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lithographic impressions taken; after which the impressions on the stones were effaced, and these copies were distributed gratuitously among the members of the society, the plaintiff's consent never having been asked. On hearing of this the plaintiff required the parts so printed to be sent to him, and his copyright editions purchased instead; but the defendant wrote back expressing his surprise at the demand, as he had never sold any of the copies, or hired any out. An action was thereupon brought, and the defendant contended that the declaration disclosing these facts showed no cause of action.

For the plaintiff, Mr. PHIPSON contended that the point was one of considerable importance, for if the defendant should succeed, the Copyright Act, instead of being a great boon, would be one of the most inefficient Acts that had passed. The question turned on the construction of the 15th sec. of the 5th and 6th Victoria, c. 45 (the Copyright Act), which provided that if any person should "print, or cause to be printed, either for sale or exportation, any book in which there should be subsisting copyright, without the consent in writing of the proprietor thereof, or shall import for sale or hire any such book so having been unlawfully printed from parts beyond the sea, or knowing such book to have been so unlawfully printed or imported, shall sell, publish, or expose to sale or hire, or cause to be sold, published, or exposed to sale or hire, any such book so unlawfully printed or imported without such consent as aforesaid, such offender shall be liable to a special action on the case." The interpretation clause defined the word "book" to mean "music," and the word "copyright" to mean "the sole and exclusive liberty of printing, or otherwise multiplying copies of any subject to which the said word was in this Act applied." This was an enactment for the benefit of authors and publishers, and gave them a clear and well-defined right. The question was, did this 15th section curtail the common law right of action for an infringement of copyright? It was submitted that it did not, and that the plaintiff had a right of action independently of the statute ("Miller v. Taylor," 4 Burr). If under this section it was no infringement of the Act to print and give away copies, Mr. Dickens's new work, *Bleak House*, might be copied the day after it was issued, and reprints of it be given away for nothing.

For the defendant, Mr. WILLES contended the Legislature, after great consideration, had set down in the statute the claims and rights of authors, with a certain regard to individual liberty.

The CHIEF-JUSTICE. — For the encouragement of authors you say the Legislature took away their common law remedy for an infringement of copyright.

Mr. WILLES. — Some are of opinion with Lord Camden, that the honour and glory of authorship is its sufficient reward. Others agree with Lord Mansfield, that authors ought to have the sole benefit of their works. The Act of Parliament determined the right, whatever the right might be ("Rex v. Harris," 4 T. R. "Boosey v. Jeffries," 20 L. J.). What had been done was not within the provisions of the statute. In point of fact, if the plaintiff's argument were to prevail, it would extend to give an action in the minutest case, for instance of copying out a piece of

music for a pupil to play or the like, or by a young lady for her music book.

Mr. PHIPSON having been heard in reply.

The COURT, having taken time to consider its judgment, held that the multiplication of the songs for gratuitous distribution, as stated in the case, was an infringement of the Copyright Act, and that the plaintiff was entitled to recover. Copyright is defined in the Act to mean "the sole and exclusive liberty of printing or otherwise multiplying copies of any subject to which the said word is applied." It was enough for the Court to determine that it could not collect from the 15th or 16th, or any other clauses of the Act, an intention of the legislature to restrict the right which in express terms it gave. It is admitted that the plaintiff possesses that right. The act of the defendant in multiplying copies of his work, without his consent, though for gratuitous circulation, is a violation of that right.

Judgment for the plaintiff.

"JERUSALEM."

AN ORATORIO, by H. H. PIERSON, Esq., late Professor of Music in the University of Edinburgh.

The gentleman whose work heads this notice, has long been known abroad by the name of Mansfeldt, under which cognomen he has published various compositions. Although the son of a high dignitary of the Church—an enthusiasm for the art led him in very early life to study music as a profession. Among his first instructors were Mr. Attwood, of St. Paul's, and Mr. Corfe, organist, of Salisbury. He next studied harmony under Dr. Walmisley, professor of music, at Cambridge. From thence he proceeded to Liepsig, where he was in frequent intercourse with Mendelssohn, although not his pupil; and after that he proceeded to Dresden. He published several songs at Vienna,* which made considerable sensation. His first work, a comic opera,—"The Elves and the Earth King"—was acted at Brunn, the capital of Moravia. Mr. Pierson went from Vienna to Berlin, where a selection from his opera—"Leisla"—was performed before the Court at a Concert at the palace, and much admired. "Leisla" was afterwards performed at the Opera, at Hamburg, in 1849, and was successful. The revolution came soon after it was produced, and the Opera House was closed for a considerable period. Mr. Pierson was elected in the same year to the Professorship at Edinburgh, but resigned ultimately, because he was not permitted to have his written lectures read by any person except himself, and a nervous defect in speech prevented his undertaking that duty. Mr. Pierson has for several years resided in Hamburg, having married a German lady.

The words of the oratorio were selected from the Holy Scriptures and the Prayers, and arranged by the late William Sanicroft Holmes, Esq., of Gawdy Hall, near Harleston, in this county, not very long previous to his decease, of whom Mr. Pierson was an old and intimate friend. The selection is exceedingly beautiful, and capable of immense declamatory effect. The argument of the Oratorio is thus given—

PART I.—Introduction, or Prologue. Christ foretells the destruction of Jerusalem; the Crucifixion. Prophecy of Moses, concerning the Invasion and Conquest of Judea by the Romans.

Prophetic warnings and denunciations chiefly from Isaiah and Jeremiah. The Fall of Jerusalem depicted.

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* Among the early publications of Mr. H. H. Pierson, twelve Canzonets, entitled "Thoughts of Melody," and six characteristic songs of Shelley, were received with much public favor.—*Ed. Musical Times*.

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PART II.—The Destruction lamented, the Restoration promised.

PART III.—Prophecies concerning the recall of the Jews from all the countries where they are now living in a state of exile. The great battle of Armageddon (in "the Valley of Decision") which will end in the total defeat of the armies attacking Jerusalem.

The New Jerusalem: the Last Judgment: the Salvation of the Righteous. Doxology.

Norwich may fairly be proud of having advanced, and we may perhaps say, perfected a great result in favour of the art and of composers; and it is, we believe, the celebrity which attended these important events in the progress of music, that has led Mr. Pierson to desire to produce his 'Jerusalem' at the approaching Norwich Festival.—*Norwich Mercury*.

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TO CORRESPONDENTS.

We have again to regret the late arrival of several esteemed communications too late for that portion of the paper to which they belong. As many of these concerts occurred early in the month, earlier information might readily reach us.

J. M.—*The paging you propose would not allow the secular and sacred music to be bound up distinctly.*

A. Constant Subscriber.—*The works you enquire for are printed by our publisher. Kent's Anthems, Vol. II., 8vo., will be ready early in June.*

G. C. T., Brighton, *may purchase the music from one completed Volume, paged throughout, and distinct from other matters. It is impossible so to print it in the current numbers.*

An Old Subscriber, Manchester.—*The science of music cannot be stated in any book published at the price he mentions.*

Brief Chronicle of the last Month.

PHILHARMONIC CONCERTS.—The fourth concert of the Philharmonic Society was given on the 3rd. The absence of novelty was a leading objection to this concert. Mendelssohn's in A, No. 2, and Beethoven's in B flat, were the symphonies. The "Don Quixote" (Macfarren), and Romberg's in D, were the overtures; Spohr's double quartett in E flat, admirably played by Blagrove, Sinton, Cooper, Dando, Hill, R. Blagrove, Lucas, and Piatti, was introduced, and a concertino for the harp, with orchestral accompaniments by Mr. J. Thomas. Miss L. Pyne and Herr Formes were the vocal performers, and Mr. Costa conducted. At the fifth concert, which took place on the 17th, Beethoven's Sinfonia in A, No. 7, the overture to "Euryanthe," and Mendelssohn's "First Walpurgis Night," were the chief features. The latter composition requires more choral strength than can be accommodated in the Hanover Square Rooms. The instrumental portion was admirably rendered.

THE NEW PHILHARMONIC SOCIETY.—This young society gave its fourth concert at Exeter Hall on the 12th, and the fifth took place on the 28th of May. At the fourth concert, the selection consisted, amongst other works, of Beethoven's Choral Symphony (D minor, No. 9); the

Overture to *Der Frieschutz*, and Mendelssohn's *Wedding March*. The last-named composer's concerto in G minor introduced a young pianiste (Madlle. Clauss), whose performance excited so much attention at the Musical Union; she is a performer of a very high character—vigour, precision, and passion, combined with extraordinary facility of execution, mark her playing. A *Scena* by Dr. Wilde was sung. Madame Clara Novello, Miss Williams, Mr. Reeves, and Herr Staudigl, were the distinguished interpreters of the vocal portion of the programme.

THE QUARTETT ASSOCIATION.—A new society, with the above instrumentally-attractive appellation, has been instituted under the immediate auspices of Messrs. Sinton, Cooper, Hill, and Piatti. At the first concert a quartett by Cherubini, in E flat, was the novelty. How it has so long escaped performance we cannot tell—its rendering was first-rate, and its reception enthusiastic—one of the movements, a bolero and trio, was encored. Mendelssohn's E flat, and Beethoven's E minor, were the other quartetts. The pianist was Mr. Sterndale Bennett, who with Signor Piatti performed a new duet for piano and violoncello by the first-named gentleman. The attendance was numerous, giving a fair indication of success for this new society.

MR. NEATE'S SOIREES.—Mr. Neate's sixth and last soirée of classical music was held on the 28th of April, at the Beethoven Rooms; the room was well filled by a fashionable audience. A MS. trio, by Mr. Neate, for pianoforte, violin, and violoncello, was introduced; the work is one of high merit. The quartetts were performed by Messrs. Sinton, Cooper, Hill, and Piatti. In noticing the last soirée of this eminent pianist and sound musician, we are constrained to congratulate him upon the taste which dictated the construction of his programmes, and the talent with which the music generally was performed.

MR. LAKE'S ORATORIO, "DANIEL."—We were present at the first performance of this new work. The choral and instrumental portions are evidently the work of an intelligent and clever musician. A march which occurs early in the oratorio, is a very good specimen of orchestral writing; the solos are not sufficiently striking, however, to become favourites of the public. Exeter Hall was densely crowded by an admiring audience—indeed, the young composer was twice summoned to receive their congratulations—a mark of favour to which, we must add, he was justly entitled.

BEETHOVEN QUARTETT SOCIETY. The fourth meeting was held on the 19th, when Herr Joachim officiated as first violin. The programme was of a recherché character. Ferdinand Hillier was the pianist; a new trio by this composer was performed, for pianoforte, violin, and violoncello; it is a work of great ability, and will no doubt become a favourite with instrumental performers, as well as with the admirers of the classical school to which Hillier's compositions belong.

CECILIAN SOCIETY.—This old-established amateur association gave their customary monthly concert on the 6th, at Albion Hall: Mozart's Requiem and Haydn's Mass, No. 4, were performed. The manner in which these works were presented to the public was creditable to the skill and perseverance of the society. Mr. Shoubridge was the conductor, and Mr. Boardman the organist.

MR. LUMLEY AND MADLLE. JOHANNA WAGNER.—The Vice-Chancellor has decided in this case, in favour of the manager of Her Majesty's Theatre, allowing costs to the plaintiff. Mr. Gye and Madlle. Wagner have appealed to the Lord Chancellor against the judgment, and the cause came on for hearing on the 22nd, but upon finding that it was the intention of the defendants to go into the facts of the case, as well as to dispute the Vice-Chancellor's jurisdiction, the Lord Chancellor adjourned the case until the 26th. Whatever may be the result of